

Attachment A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

Anthony Duerson # 16738-028)
Federal Corr. Institute - Hazelton)
P.O. Box 5000)
Bruceston Mills, WV 26525)

(Full name under which you were convicted,
 prison number, place of confinement, and
 full mailing address)

Petitioner,

vs.

Ryan McCaffrey, Acting Warden)
 (Name of Warden or other authorized person)
 where you are incarcerated)

Respondent.

Bureau of Prisons

JAN 04 2022

U.S. DISTRICT COURT-WVND
 CLARKSBURG, WV 26301

**Petition for Habeas Corpus
 Pursuant to 28 U.S.C. § 2241**

Civil Action No. 5:22 cv 2
 (to be assigned by Clerk)

Bailey
MAZZONE
Blalock

Important notes to read before completing this form:

- ★ Please read the entire petition **before** filling it out. Answer **only** those questions which pertain to your claim(s).

1. This petition concerns (check the appropriate box):

- ☐ a conviction
☒ a sentence
☐ jail or prison conditions
☐ prison disciplinary proceedings
☐ a parole problem
☐ other, state briefly: _____

Attachment A

2. Are you represented by counsel? ☐ Yes ☒ No

If you answered yes, list your counsel's name and address: _____

3. List the name and location of the court which imposed your sentence:

United States District Court, Southern District of Indiana,
Indianapolis Division, 46 E. Ohio St. Indpls, IN 46204

4. List the case number, if known: 1:18-cr-00156-JMS-DML-04

5. List the nature of the offense for which the sentence was imposed:

Wire Fraud

6. List the date each sentence was imposed and the terms of the sentence:

October 18, 2019, to a term of 24 mos.

7. What was your plea to each count? (Check one)

- ☒ Guilty
☐ Not Guilty
☐ Nolo Contendere

Attachment A

8. If you were found guilty after a plea of not guilty, how was that finding made?

- ☐ A jury
☐ A Judge without a jury
☐ A Magistrate Judge without a jury

9. Did you appeal from the judgment of conviction or imposition of the sentence?

- ☐ Yes ☐ No

10. If you did appeal, give the following information for each appeal:

- A. Name of Court: _____
B. Result: _____
C. Date of Result: _____
D. Grounds raised (List each one): _____

Note: if you filed an appeal in more than one court, attach an additional sheet of paper of the same size and give all of the information requested in Question 10, A through D.

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? This is called a post-conviction pleading.

- ☐ Yes ☐ No

If your answer was yes, complete the following sections:

A. First post-conviction proceeding:

1. Name of Court: _____

Attachment A

2. Nature of Proceeding: _____
3. Grounds Raised: _____
4. Did you receive an evidentiary hearing ? ☐ Yes ☐ No
5. Result: _____
6. Date of Result: _____

B. Second post-conviction proceeding:

1. Name of Court: _____
2. Nature of Proceeding: _____
3. Grounds Raised: _____
4. Did you receive an evidentiary hearing ? ☐ Yes ☐ No
5. Result: _____
6. Date of Result: _____

C. Did you appeal to the result of the post conviction proceeding(s) to the highest court having jurisdiction?

1. First proceeding: ☐ Yes ☐ No Result: _____
2. Second proceeding: ☐ Yes ☐ No Result: _____

D. If you did not appeal the adverse result of the post-conviction proceeding(s), explain briefly why not: _____

12. For your information, the following is a list of the most frequently raised grounds for relief in applications for habeas corpus pursuant to 28 U.S.C. §2241. You may raise any grounds which you may have other than those listed. However, in this application, you should raise all available grounds on which you base your petition. **Do not check** any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. **The petition will be returned to you if you merely check one or more of the grounds:**

- A. U.S. Parole Commission unlawfully revoked my parole.
- B. Federal Bureau of Prisons unlawfully computed my sentence.

Attachment A

- C. Federal Bureau of Prisons unlawfully denied me credit for time served in state or federal prison.
- D. Federal Bureau of Prisons or State prison system unlawfully revoked my good time credits.
- E. There is an unlawful detainer lodged against me.
- F. I am a citizen and resident of a foreign country and I am in custody for an act which I had a right to commit under the laws of my country.
- G. The act for which I was convicted is no longer considered to be a crime, and I cannot raise this issue in a §2254 petition or a §2255 motion.

CAUTION: if you fail to set forth all of the grounds in this petition at this time, you may be barred from presenting additional grounds at a later date.

State clearly every ground on which you are seeking relief. Summarize briefly the facts supporting each ground. If necessary, attach a total of five (5) typed or ten (10) neatly printed pages maximum for all grounds and all attachments.

A. Ground one:

Federal Bureau of Prison denied me credit for time
served in Federal Custody

Supporting facts: tell your story briefly without citing cases or law. You are cautioned that you must state facts, not conclusion, in support of your grounds. A "rule of thumb" to follow is this: who did exactly what to violate your rights at what time and place).

I was held in Federal Custody from 12-18-18 - 11-19-19
After that I was sent to State Custody for another case.
Did 2 years for that case and came back to Federal Custody
to complete my remaining year that I owed to BOP. BOP
is making me do the full 2 years again with no credit time
from the dates above.

B. Ground two:

Attachment A

Federal Bureau of Prison unlawfully computed my
Sentence

Supporting facts:

My release date is 5-10-23, As I was not given
credit time from 12-18-18 - 11-19-19, It should be
2022.

C. Ground three:

Supporting facts:

D. Ground four:

Attachment A

Supporting facts:

13. Were all of the above grounds presented to another court, state or federal? If not, state which grounds were not presented. If yes, state the name of the court, date of decision, and the nature of the outcome:
United States District Court for Southern Indiana, Indpls Division.
on 11-29-21, the judge stated that the Attorney General
is responsible for administering the sentence and I must file
a 2241 in this District
14. If this petition concerns prison disciplinary proceedings, a parole problem, computation of sentence, or other case under 28 U.S.C. § 2241, answer the following questions:
- A. Did you present the facts in relation to your present petition in the prison's internal grievance procedure?
- ☒ Yes ☐ No
1. If your answer to "A" above was yes, what was the result:
They claim all credit time has been applied
which was 0 days. Also, they say my jail credit
order is "Silent", whatever that means.

Attachment A

2. If your answer to "A" above was no, explain:

B. If you are a federal prisoner, did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

☒ Yes ☐ No

1. If your answer to "B" above was yes, what was the result:

They say all credit time has been applied of
0 days

2. If your answer to "B" above was no, explain:

15. Relief: State here, as briefly as possible, exactly what you want the court to do for you:

1. Make no legal arguments.

2. Cite no cases or statutes.

I want to be credited from 12-18-18 - 11-19-19 and
my outdate changed from 2023 - 2022, which is coming
soon. There should be a paper trail from the US Marshall
Services proving my claims as they were responsible for
my transport.

Attachment A

16. If a previous motion to vacate or modify a prisoner's sentence, pursuant to Section 2255, was not filed, or if such a motion was filed and denied, the reasons why Petitioner's remedy by way of Section 2255 is inadequate or ineffective to test the legality of the detention.

I was ~~ordered~~ ordered to file a 2241 instead of a
2255 by my sentencing judge

Signed this 23 day of December, 2021.
(day) (month) (year)

A. Duksen

Your Signature

Signature of Attorney (if any)

I declare (or certify, verify, or state), under penalty of perjury, that the foregoing is true and correct.

Date of Signature: 12-23-21

A. Duksen

Your Signature

Attachment D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Anthony Leland Duersen

Your full name

v.

Civil Action No.: _____

Byron McCaffrey - Acting Warden
Bureau of Prisons

Enter above the full name of respondent in this action

Certificate of Service

I, Anthony Duersen (your name here), appearing *pro se*, hereby certify that

I have served the foregoing Habeas Corpus - 2241 (title of document
being sent) upon the respondent by depositing true copies of the same in the United States
mail, postage prepaid, upon the following counsel of record for the respondent on

12-23-21 (insert date here):

(List name and address of counsel for respondent)

U.S. Attorney Office
for Northern District of WV
P.O. Box 591
Wheeling, WV 26003

A. Duersen
(sign your name)